

**U.S. Department of Labor  
Office of the Solicitor**

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Reply to the Attention of:

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Via ECF

May 1, 2020

Hon. A. Kathleen Tomlinson, U.S. Magistrate Judge  
U.S. District Court for the Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

RE: Scalia<sup>1</sup> v. Anchor Frozen Foods Corp. et al., 17-cv-6559 (RRM/AKT)

Dear Judge Tomlinson:

Counsel for the Secretary of Labor writes regarding the status of this matter. Currently pending are two motions: (1) the Secretary's May 16, 2019 motion to compel Defendants' production of ESI responsive to the Secretary's March 2018 document requests (ECF Nos. 94, 96; *see* ECF No. 99, at 2); and (2) Defendants' June 18, 2019 request to expand third-party discovery of confidential social services files (ECF Nos. 100, 102–05). We also understand that on July 16, 2019, Nassau County submitted documents for *in camera* review pursuant to the Court's May 31, 2019 order (ECF No. 107–08; *see* ECF No. 99, at 2).

We respectfully request that a telephonic status conference be scheduled at the Court's convenience, as the resolution of the outstanding motions will inform next steps, such as a resumption of depositions (which the Court has stayed pending resolution of these motions, ECF No. 99, at 3), or a settlement conference (to which the Secretary would be receptive at the appropriate time). Although we understand that certain defendants' sentencing in an unrelated matter was originally set for this month, the hearing was recently adjourned until October 28, 2020. *United States v. Anchor Frozen Foods, Inc.*, No. 18-cr-522 (E.D.N.Y.).<sup>2</sup>

Respectfully submitted,

Jeffrey S. Rogoff  
Regional Solicitor

By:

/s/  
Jason E. Glick, Trial Attorney

cc: Robert F. Milman, Esq., Matthew A. Brown (via ECF)

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Secretary of Labor Eugene Scalia is automatically substituted as plaintiff.

<sup>2</sup> Defendants have not moved for a stay on the basis of that action (or otherwise).